

Docket 1999CH020
Serial No. 10/088,442
Group 1751

REMARKS

The Office Action mailed March 30, 2004, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office's Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

Claim Status

Claims 1-11, 13, 15-20, 25 and 26 are pending in this Application. By this Amendment, claims 1, 11 and 13 have been amended to clarify and more distinctly point out the subject matter which Applicants regard as the invention. Claims 15-20, 25 and 26 have been cancelled. New claim 27 has been added. The claims under consideration are, therefore, believed to include claims 1-11, 13, and 27.

Claim Rejections Under 35 USC § 112, Second Paragraph

Claims 1-11, 13, 15-20, 25 and 26 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 15-20, 25 and 26 have been cancelled, thus, the rejection with respect to those claims is now moot.

Concerning claim 1, the Office has stated that the relationship between T and P_A is indefinite. Claim 1 has been amended to clarify the relationship between T and P_A. The Office finds the term "otherwise" in claim 1 indefinite. The term "otherwise" has been deleted.

In claim 1, the phrase "< 95%" in the definition of A₂ and the phrase "suitable for the endcapping of the polyamides" in the definition of E are found indefinite. The subject phrases have been deleted.

The Office finds no antecedent basis in claim 11 for the additional components recited in claim 13. Claim 13 has been amended to recite the specific components defining the wet-acting lubricant.

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The Office requires Applicants to define all the components in compositions 11-13, 16-20, 25 and 26. Claims 11 and 13 have been amended to recite the components while claims 16-20, 25 and 26 have been cancelled.

In the current office action (top of page 3), the Office states that claim 11 depends from claim 3. In the previous response to an office action, claim 11 was amended to depend from claim 1. However, claim 1 is a process claim, therefore, claim 11 has been amended to define P_x.

In view of the foregoing amendments and remarks, Applicants courteously believe that the § 112, second paragraph rejections have been overcome.

Claim Rejections Under 35 USC § 103

Claims 11-13, 16-20, 25 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Imperial Chemical Industries, Ltd., (GB 1,108,811). Claims 16-20, 25 and 26 have been cancelled rendering the rejection as moot as to those claims. With respect to claims 11 and 13, this rejection is respectfully overcome.

Claim 11 has been amended to include the addition of a flow-control agent (F). Claim 11 has been found, *inter alia*, on page 13 and in example 1 of the specification. The flow control agent is added at the beginning of the cooling off period while the temperature is still very high and sufficient to promote a chemical reaction between the flow control agent and the condensation products.

The inclusion of this step results in a composition of P_x which is not disclosed, taught or suggested by GB 1,108,811. It is well settled that a prima facie case of obviousness requires the reference, or reference combination, to disclose each and every element of a claimed invention. As GB '811 does not disclose or teach the addition of a flow control agent, it respectfully contend that Applicants' invention as defined by claim 11, and all claims depending therefrom, are not made obvious by GB '811.

Claims 17 and 18 stand reject under 35 USC § 103(a) as being unpatentable over Van Lith, et al. (US 5,837,802). Claims 17 and 18 have been cancelled, rendering the rejection moot.

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In view of the foregoing, Applicants respectfully contend that the §103 rejection has been overcome. In consequence, Applicants solicit reconsideration and withdrawal of the rejection.

The Commissioner is hereby authorized to charge deposit account 03-2080 \$88.00 for the additional independent claim. The Commissioner is also authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2080.

In view of the foregoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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